

Executive Summary – Enforcement Matter – Case No. 58660

City of Fort Worth

RN100942259

Docket No. 2019-1720-MWD-E

Order Type:

Findings Agreed Order

Findings Order Justification:

People or environmental receptors have been exposed to pollutants which exceed levels that are protective.

Media:

MWD

Small Business:

No

Location(s) Where Violation(s) Occurred:

City of Fort Worth Village Creek WWTP, 4500 Wilma Lane, Fort Worth, Tarrant County with an associated wastewater collection system and a sewer main located near 4408 French Lake Drive, Fort Worth, Tarrant Count

Type of Operation:

Wastewater treatment facility with an associated wastewater collection system

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: April 24, 2020

Comments Received: No

Penalty Information

Total Penalty Assessed: \$13,125

Total Paid to General Revenue: \$13,125

Total Due to General Revenue: \$0

Payment Plan: N/A

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: April 2014

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: October 4, 2019

Date(s) of NOE(s): December 3, 2019

Executive Summary – Enforcement Matter – Case No. 58660
City of Fort Worth
RN100942259
Docket No. 2019-1720-MWD-E

Violation Information

Failed to prevent the unauthorized discharge of wastewater into or adjacent to any water in the state [TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1) and (5), and Texas Pollutant Discharge Elimination System Permit No. WQ0010494013, Permit Conditions No. 2.g].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

By October 7, 2019, the Respondent removed and properly disposed of debris and dead fish, implemented bypass pumping to remove contaminated water, and aerated the contaminated site to introduce oxygen and de-chlorinated water.

Technical Requirements:

N/A

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Stephanie Frederick, Enforcement Division, Enforcement Team 3, MC 219, (512) 239-1001; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

Respondent: Dana Burghdoff, Interim Assistant City Manager, City of Fort Worth, 200 Texas Street, Fort Worth, Texas 76102
The Honorable Betsy Price, Mayor, City of Fort Worth, 200 Texas Street, Fort Worth, Texas 76102

Respondent's Attorney: N/A



Policy Revision 4 (April 2014)

Penalty Calculation Worksheet (PCW)

PCW Revision March 26, 2014

TCEQ

DATES	Assigned	2-Dec-2019	Screening	6-Dec-2019	EPA Due	
	PCW	6-Dec-2019				

RESPONDENT/FACILITY INFORMATION

Respondent	City of Fort Worth		
Reg. Ent. Ref. No.	RN100942259		
Facility/Site Region	4-Dallas/Fort Worth	Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	58660	No. of Violations	1
Docket No.	2019-1720-MWD-E	Order Type	Findings
Media Program(s)	Water Quality	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Stephanie Frederick
		EC's Team	Enforcement Team 3
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$7,500
---	-------------------	----------------

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History	100.0%	Adjustment	Subtotals 2, 3, & 7	\$7,500
---------------------------	---------------	------------	--------------------------------	----------------

Notes: Enhancement for two months of self-reported effluent violations, one NOV with same/similar violations, one NOV with dissimilar violations, one order with denial of liability, four orders without denial of liability, and Repeat Violator classification.

Culpability	No	0.0%	Enhancement	Subtotal 4	\$0
--------------------	-----------	-------------	-------------	-------------------	------------

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments	Subtotal 5	-\$1,875
--	-------------------	-----------------

Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
-------------------------	-------------	--------------	-------------------	------------

Total EB Amounts	\$8
Estimated Cost of Compliance	\$19,000

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$13,125
-----------------------------	-----------------------	-----------------

OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
---	-------------	------------	------------

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount	\$13,125
-----------------------------	-----------------

STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$13,125
-----------------------------------	-------------------------------	-----------------

DEFERRAL	0.0%	Reduction	Adjustment	\$0
-----------------	-------------	-----------	-------------------	------------

Reduces the Final Assessed Penalty by the indicated percentage.

Notes

No deferral is recommended for Findings Orders.

PAYABLE PENALTY	\$13,125
------------------------	-----------------

Screening Date 6-Dec-2019

Docket No. 2019-1720-MWD-E

PCW

Respondent City of Fort Worth

Case ID No. 58660

Policy Revision 4 (April 2014)

Reg. Ent. Reference No. RN100942259

PCW Revision March 26, 2014

Media Water Quality

Enf. Coordinator Stephanie Frederick

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Number	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	3	15%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	4	100%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 137%

>> Repeat Violator (Subtotal 3)

Yes

Adjustment Percentage (Subtotal 3) 25%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for two months of self-reported effluent violations, one NOV with same/similar violations, one NOV with dissimilar violations, one order with denial of liability, four orders without denial of liability, and Repeat Violator classification.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 162%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 100%

Screening Date 6-Dec-2019

Docket No. 2019-1720-MWD-E

PCW

Respondent City of Fort Worth

Policy Revision 4 (April 2014)

Case ID No. 58660

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN100942259

Media Water Quality

Enf. Coordinator Stephanie Frederick

Violation Number 1

Rule Cite(s) Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1) and (5), and Texas Pollutant Discharge Elimination System Permit No. WQ0010494013, Permit Conditions No. 2.g.

Violation Description

Failed to prevent the unauthorized discharge of wastewater into or adjacent to any water in the state. Specifically, approximately 3,500 gallons of untreated wastewater discharged from a broken sewer main located near 4408 French Lake Drive, in Fort Worth, into an unnamed tributary feeding French Lake, resulting in a fish kill of approximately 755 fish.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual	x		
Potential			

Percent 30.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment has been exposed to pollutants which exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$17,500

\$7,500

Violation Events

Number of Violation Events 1

3 Number of violation days

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$7,500

One monthly event is recommended from the date the unauthorized discharge occurred (October 4, 2019) to the date corrective actions were completed (October 7, 2019).

Good Faith Efforts to Comply

25.0%

Reduction \$1,875

Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

Extraordinary	
Ordinary	x
N/A	

Notes

The Respondent achieved compliance on October 7, 2019.

Violation Subtotal \$5,625

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$8

Violation Final Penalty Total \$13,125

This violation Final Assessed Penalty (adjusted for limits) \$13,125

Economic Benefit Worksheet

Respondent City of Fort Worth
Case ID No. 58660
Reg. Ent. Reference No. RN100942259
Media Water Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Delayed Costs							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal	\$19,000	4-Oct-2019	7-Oct-2019	0.01	\$8	n/a	\$8
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Actual cost to remove and properly dispose of debris and dead fish, implement bypass pumping to remove contaminated water, and aerate contaminated site to introduce oxygen and de-chlorinated water. Date required is the date the unauthorized discharge occurred and ceased. Final date is the date of compliance.

Avoided Costs

ANNUALIZE avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$19,000

TOTAL

\$8

The TCEQ is committed to accessibility.

To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



TCEQ Compliance History Report

Compliance History Report for CN600128862, RN100942259, Rating Year 2019 which includes Compliance History (CH) components from September 1, 2014, through August 31, 2019.

Customer, Respondent, or Owner/Operator: CN600128862, City of Fort Worth **Classification:** SATISFACTORY **Rating:** 10.10

Regulated Entity: RN100942259, CITY OF FORT WORTH VILLAGE CREEK WWTP **Classification:** SATISFACTORY **Rating:** 38.60

Complexity Points: 22 **Repeat Violator:** YES

CH Group: 08 - Sewage Treatment Facilities

Location: 4500 Wilma Lane, Fort Worth, in Tarrant County, Texas

TCEQ Region: REGION 04 - DFW METROPLEX

ID Number(s):

AIR OPERATING PERMITS ACCOUNT NUMBER TA0512K

AIR NEW SOURCE PERMITS PERMIT 7553

AIR NEW SOURCE PERMITS REGISTRATION 46812

AIR NEW SOURCE PERMITS AFS NUM 4843900321

AIR NEW SOURCE PERMITS REGISTRATION 96882

WASTEWATER PERMIT WQ0010494013

WASTEWATER AUTHORIZATION R10494013C

WASTEWATER AUTHORIZATION R10494013B

PRETREATMENT PERMIT WQ0010494013

STORMWATER PERMIT TXR050332

SLUDGE AUTHORIZATION 720003

LEAKING PETROLEUM STORAGE TANKS REMEDIATION

ID NUMBER 120480

AIR OPERATING PERMITS PERMIT 1704

AIR NEW SOURCE PERMITS REGISTRATION 46811

AIR NEW SOURCE PERMITS ACCOUNT NUMBER TA0512K

AIR NEW SOURCE PERMITS REGISTRATION 71648

PETROLEUM STORAGE TANK REGISTRATION
REGISTRATION 7527

WASTEWATER EPA ID TX0047295

WASTEWATER AUTHORIZATION R10494013A

WASTEWATER AUTHORIZATION R10494013

PRETREATMENT EPA ID TX0047295000

AIR EMISSIONS INVENTORY ACCOUNT NUMBER TA0512K

SLUDGE AUTHORIZATION 720001

Compliance History Period: September 01, 2014 to August 31, 2019 **Rating Year:** 2019 **Rating Date:** 09/01/2019

Date Compliance History Report Prepared: December 02, 2019

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: December 02, 2014 to December 02, 2019

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.

Name: Stephanie Frederick

Phone: (512) 239-1001

Site and Owner/Operator History:

- | | |
|--|-----|
| 1) Has the site been in existence and/or operation for the full five year compliance period? | YES |
| 2) Has there been a (known) change in ownership/operator of the site during the compliance period? | NO |

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:

1 Effective Date: 11/08/2016 ADMINORDER 2015-1231-MWD-E (Findings Order-Agreed Order Without Denial)

Classification: Major

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)

30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: WQ0010494-013 PERMIT

Description: Failure to prevent the unauthorized discharge of wastewater into or adjacent to water of the state resulting in a documented serious impact to the environment. On May 11, 2015 at 4:15 p.m., a sanitary sewer overflow (SSO) occurred from a manhole on Forest River Dr., Fort Worth, due to a downstream collapsed sewer main on the City of Fort Worth's wastewater collection system. The discharge entered a series of ponds, resulting in a fish kill totaling 138 fish. The City of Fort Worth estimated a

Classification: Major

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)
30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: WQ0010494-013 PERMIT

Description: Failure to prevent the unauthorized discharge of wastewater resulting in a documented serious impact to the environment. On September 1, 2015, a sanitary sewer overflow (SSO) occurred near 1500 E. Devitt St., Fort Worth, due to a blockage of rags. The discharge entered a storm drain which flowed into Sycamore Creek, resulting in a fish kill totaling 370 fish. The City of Fort Worth estimated a total discharge of 2,760 gallons of wastewater from collection system into the creek.

- 2 Effective Date: 02/07/2017 ADMINORDER 2016-0658-PST-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.3475(c)(1)
30 TAC Chapter 334, SubChapter C 334.50(b)(1)(A)
Description: Failed to monitor the USTs for releases at a frequency of at least once every month (not to exceed 35 days between each monitoring), in violation of 30 TEX. ADMIN. CODE § 334.50(b)(1)(A) and TEX. WATER CODE § 26.3475(c)(1).
Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.3475(c)(1)
30 TAC Chapter 334, SubChapter C 334.50(d)(1)(B)(ii)
Description: Failed to conduct reconciliation of detailed inventory control records at least once each month, in a manner sufficiently accurate to detect a release which equals or exceeds the sum of 1.0% of the total substance flow-through for the month plus 130 gallons, in violation of 30 TEX. ADMIN. CODE § 334.50(d)(1)(B)(ii) and TEX. WATER CODE § 26.3475(c)(1).
Classification: Moderate
Citation: 30 TAC Chapter 334, SubChapter D 334.72
Description: Failed to report a suspected release to the TCEQ within 24 hours of discovery, in violation of 30 TEX. ADMIN. CODE § 334.72. Specifically, inventory control records for December 2015 and January 2016 indicated a suspected release that was not reported.
Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.3475(c)(1)
30 TAC Chapter 334, SubChapter C 334.50(d)(1)(B)(iii)(I)
Description: Failed to conduct daily inventory volume measurements for regulated substance inputs, withdrawals, and the amount still remaining in the tank as required in conjunction with statistical inventory reconciliation, in violation of 30 TEX. ADMIN. CODE § 334.50(d)(1)(B)(iii)(I) and TEX. WATER CODE § 26.3475(c)(1).
Classification: Moderate
Citation: 30 TAC Chapter 334, SubChapter D 334.74
Description: Failed to investigate a suspected release of regulated substance within 30 days of discovery, in violation of 30 TEX. ADMIN. CODE § 334.74. Specifically, inventory control records for December 2015 and January 2016 indicated a suspected release that was not investigated.
- 3 Effective Date: 05/11/2017 ADMINORDER 2016-1647-WQ-E (Findings Order-Agreed Order Without Denial)
Classification: Major
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(2)
2D TWC Chapter 26, SubChapter A 26.121(a)(3)
Description: During an investigation conducted on June 24, 2016, it was documented that Respondent discharged chemicals or other substances into or adjacent to any water in the state, which in itself or in conjunction with any other discharge or activity caused, continued to cause, or would cause pollution of any of the water in the state. Specifically, on June 23, 2016, 450 gallons of Clear Mint disinfectant product was discharged into Mary's Creek, resulting in a fish kill of approximately 3,179 fish
- 4 Effective Date: 01/31/2018 ADMINORDER 2017-0601-MWD-E (Findings Order-Agreed Order Without Denial)
Classification: Major
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)
30 TAC Chapter 305, SubChapter F 305.125(1)
Rqmt Prov: WQ0010494-013 PERMIT
Description: Failed to prevent an unauthorized discharge of wastewater from the collection system into or adjacent to water in the state.
- 5 Effective Date: 03/12/2018 ADMINORDER 2017-0939-MWD-E (Findings Order-Agreed Order Without Denial)
Classification: Major
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)
30 TAC Chapter 305, SubChapter F 305.125(1)
Rqmt Prov: WQ0010494-013 PERMIT
Description: Failure to prevent the unauthorized discharge of wastewater resulting in a documented serious impact to the environment. On April 7, 2017, a sanitary sewer overflow (SSO) occurred at 1099 East Rendon Crowley Rd., Fort Worth, due to a line blockage in a sewer main that discharged wastewater into Deer Creek. The discharge resulted in a fish kill

totaling 553 fish. The City of Fort Worth estimated a total discharge of 13,600 gallons of wastewater from collection system into the creek.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

D. The approval dates of investigations (CCEDS Inv. Track. No.):

Item 1	December 17, 2014	(1224828)	Item 38	March 14, 2017	(1411685)
Item 3	January 15, 2015	(1231548)	Item 39	April 18, 2017	(1418183)
Item 4	February 12, 2015	(1242850)	Item 40	April 24, 2017	(1388052)
Item 5	March 11, 2015	(1249205)	Item 41	May 15, 2017	(1425776)
Item 6	April 13, 2015	(1256088)	Item 42	June 12, 2017	(1431819)
Item 7	May 05, 2015	(1193316)	Item 43	July 11, 2017	(1440396)
Item 8	May 13, 2015	(1262807)	Item 44	September 12, 2017	(1450681)
Item 9	May 21, 2015	(1252578)	Item 45	September 21, 2017	(1444077)
Item 10	July 13, 2015	(1262026)	Item 46	October 10, 2017	(1456538)
Item 11	July 17, 2015	(1277504)	Item 47	November 17, 2017	(1462004)
Item 12	August 14, 2015	(1283683)	Item 48	December 12, 2017	(1468388)
Item 13	September 17, 2015	(1290832)	Item 50	January 19, 2018	(1475087)
Item 14	October 14, 2015	(1297029)	Item 51	February 06, 2018	(1466447)
Item 15	November 13, 2015	(1302477)	Item 52	February 13, 2018	(1467603)
Item 16	December 17, 2015	(1309416)	Item 53	February 14, 2018	(1465589)
Item 17	December 28, 2015	(1299985)	Item 54	February 15, 2018	(1466457)
Item 18	January 20, 2016	(1316212)	Item 55	March 15, 2018	(1490978)
Item 19	January 26, 2016	(1300801)	Item 56	May 14, 2018	(1501174)
Item 20	February 15, 2016	(1325582)	Item 57	May 24, 2018	(1485749)
Item 21	March 10, 2016	(1332323)	Item 58	June 15, 2018	(1508261)
Item 22	April 15, 2016	(1339477)	Item 59	July 18, 2018	(1514593)
Item 23	May 11, 2016	(1330610)	Item 60	August 17, 2018	(1520649)
Item 24	May 19, 2016	(1346289)	Item 61	September 17, 2018	(1527817)
Item 25	June 14, 2016	(1352722)	Item 62	October 15, 2018	(1534174)
Item 26	July 15, 2016	(1359687)	Item 63	November 19, 2018	(1542008)
Item 28	September 14, 2016	(1372813)	Item 64	December 19, 2018	(1545779)
Item 29	September 28, 2016	(1366127)	Item 65	January 10, 2019	(1538195)
Item 30	October 17, 2016	(1378987)	Item 66	January 17, 2019	(1561341)
Item 31	November 09, 2016	(1370373)	Item 67	February 15, 2019	(1548874)
Item 32	November 14, 2016	(1384950)	Item 68	March 15, 2019	(1561340)
Item 33	December 12, 2016	(1391084)	Item 69	April 18, 2019	(1572377)
Item 34	January 13, 2017	(1397704)	Item 71	May 17, 2019	(1584366)
Item 35	January 23, 2017	(1387661)	Item 73	June 12, 2019	(1557141)
Item 36	February 07, 2017	(1350689)	Item 74	August 16, 2019	(1600045)
Item 37	February 10, 2017	(1404593)	Item 75	September 12, 2019	(1606946)

E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

- Date: 05/31/2019 (1584367)

Self Report? YES Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter
- Date: 06/30/2019 (1593717)

Self Report? YES Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter
- Date: 08/08/2019 (1580584)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter E 115.412(1)(F)(ii)
5C THSC Chapter 382 382.085(b)
Description: Failure to keep degreaser cover closed whenever parts are not being handled in the cleaner.

4 Date: 09/19/2019 (1592125)
Self Report? NO Classification: Major
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)
30 TAC Chapter 305, SubChapter F 305.125(1)
WQ0010494-013 PERMIT
Description: Failed to prevent the unauthorized discharge of wastewater.

F. Environmental audits:

N/A

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

Component Appendices

Appendix A

All NOV's Issued During Component Period 12/2/2014 and 12/2/2019

- 1 Date: 05/31/2015 (1269973) Classification: Moderate
- Self Report? YES For Informational Purposes Only
- Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
- Description: Failure to meet the limit for one or more permit parameter
- 2 Date: 08/28/2015 (1255245) Classification: Minor
- Self Report? NO For Informational Purposes Only
- Citation: 30 TAC Chapter 317 317.4(a)(8)
- Description: Failure to test the reduced-pressure backflow prevention assembly (RPBA) annually. Specifically, the RPBA's were last tested on February 24 and 27, 2014, and March 3 and 4, 2014. All RPBA's shall be tested annually.
- 3 Date: 03/31/2018 (1494224) Classification: Moderate
- Self Report? YES For Informational Purposes Only
- Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
- Description: Failure to meet the limit for one or more permit parameter
- 4* Date: 05/31/2019 (1584367) Classification: Moderate
- Self Report? YES For Informational Purposes Only
- Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
- Description: Failure to meet the limit for one or more permit parameter
- 5* Date: 06/30/2019 (1593717) Classification: Moderate
- Self Report? YES For Informational Purposes Only
- Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
- Description: Failure to meet the limit for one or more permit parameter
- 6* Date: 08/08/2019 (1580584) Classification: Moderate
- Self Report? NO For Informational Purposes Only
- Citation: 30 TAC Chapter 115, SubChapter E 115.412(1)(F)(ii)
5C THSC Chapter 382 382.085(b)
- Description: Failure to keep degreaser cover closed whenever parts are not being handled in the cleaner.
- 7 Date: 09/19/2019 (1592125) Classification: Major
- Self Report? NO For Informational Purposes Only
- Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)
30 TAC Chapter 305, SubChapter F 305.125(1)
WQ0010494-013 PERMIT
- Description: Failed to prevent the unauthorized discharge of wastewater.

* NOV's applicable for the Compliance History rating period 9/1/2014 to 8/31/2019

Appendix B

All Investigations Conducted During Component Period December 02, 2014 and December 02, 2019

(1224828)

Item 1* December 17, 2014** For Informational Purposes Only

		(1231548)
Item 2*	January 15, 2015**	For Informational Purposes Only
		(1242850)
Item 3*	February 12, 2015**	For Informational Purposes Only
		(1249205)
Item 4*	March 11, 2015**	For Informational Purposes Only
		(1256088)
Item 5*	April 13, 2015**	For Informational Purposes Only
		(1193316)
Item 6*	May 05, 2015**	For Informational Purposes Only
		(1262807)
Item 7*	May 13, 2015**	For Informational Purposes Only
		(1252578)
Item 8*	May 21, 2015**	For Informational Purposes Only
		(1269973)
Item 9	June 19, 2015**	For Informational Purposes Only
		(1262026)
Item 10*	July 13, 2015**	For Informational Purposes Only
		(1277504)
Item 11*	July 17, 2015**	For Informational Purposes Only
		(1255041)
Item 12	July 27, 2015**	For Informational Purposes Only
		(1283683)
Item 13*	August 14, 2015**	For Informational Purposes Only
		(1255245)
Item 14	August 20, 2015**	For Informational Purposes Only
		(1290832)
Item 15*	September 17, 2015**	For Informational Purposes Only
		(1297029)
Item 16*	October 14, 2015**	For Informational Purposes Only
		(1282574)
Item 17	October 21, 2015**	For Informational Purposes Only
		(1302477)
Item 18*	November 13, 2015**	For Informational Purposes Only
		(1309416)
Item 19*	December 17, 2015**	For Informational Purposes Only
		(1299985)
Item 20*	December 28, 2015**	For Informational Purposes Only
		(1316212)
Item 21*	January 20, 2016**	For Informational Purposes Only
		(1300801)
Item 22*	January 26, 2016**	For Informational Purposes Only
		(1325582)
Item 23*	February 15, 2016**	For Informational Purposes Only

		(1332323)
Item 24*	March 10, 2016**	For Informational Purposes Only
		(1339477)
Item 25*	April 15, 2016**	For Informational Purposes Only
		(1322671)
Item 26	April 28, 2016**	For Informational Purposes Only
		(1330610)
Item 27*	May 11, 2016**	For Informational Purposes Only
		(1346289)
Item 28*	May 19, 2016**	For Informational Purposes Only
		(1352722)
Item 29*	June 14, 2016**	For Informational Purposes Only
		(1359687)
Item 30*	July 15, 2016**	For Informational Purposes Only
		(1343589)
Item 31	August 29, 2016**	For Informational Purposes Only
		(1372813)
Item 32*	September 14, 2016**	For Informational Purposes Only
		(1366127)
Item 33*	September 28, 2016**	For Informational Purposes Only
		(1378987)
Item 34*	October 17, 2016**	For Informational Purposes Only
		(1370373)
Item 35*	November 09, 2016**	For Informational Purposes Only
		(1384950)
Item 36*	November 14, 2016**	For Informational Purposes Only
		(1391084)
Item 37*	December 12, 2016**	For Informational Purposes Only
		(1397704)
Item 38*	January 13, 2017**	For Informational Purposes Only
		(1387661)
Item 39*	January 23, 2017**	For Informational Purposes Only
		(1350689)
Item 40*	February 07, 2017**	For Informational Purposes Only
		(1404593)
Item 41*	February 10, 2017**	For Informational Purposes Only
		(1411685)
Item 42*	March 14, 2017**	For Informational Purposes Only
		(1396705)
Item 43	April 17, 2017**	For Informational Purposes Only
		(1418183)
Item 44*	April 18, 2017**	For Informational Purposes Only
		(1388052)

Item 45*	April 24, 2017**	For Informational Purposes Only (1425776)
Item 46*	May 15, 2017**	For Informational Purposes Only (1415594)
Item 47	May 30, 2017**	For Informational Purposes Only (1431819)
Item 48*	June 12, 2017**	For Informational Purposes Only (1440396)
Item 49*	July 11, 2017**	For Informational Purposes Only (1416246)
Item 50	July 18, 2017**	For Informational Purposes Only (1429250)
Item 51	August 03, 2017**	For Informational Purposes Only (1450681)
Item 52*	September 12, 2017**	For Informational Purposes Only (1444077)
Item 53*	September 21, 2017**	For Informational Purposes Only (1456538)
Item 54*	October 10, 2017**	For Informational Purposes Only (1462004)
Item 55*	November 17, 2017**	For Informational Purposes Only (1468388)
Item 56*	December 12, 2017**	For Informational Purposes Only (1475087)
Item 57*	January 19, 2018**	For Informational Purposes Only (1466447)
Item 58*	February 06, 2018**	For Informational Purposes Only (1467603)
Item 59*	February 13, 2018**	For Informational Purposes Only (1465589)
Item 60*	February 14, 2018**	For Informational Purposes Only (1466457)
Item 61*	February 15, 2018**	For Informational Purposes Only (1471527)
Item 62	February 21, 2018**	For Informational Purposes Only (1490978)
Item 63*	March 15, 2018**	For Informational Purposes Only (1494224)
Item 64	April 18, 2018**	For Informational Purposes Only (1501174)
Item 65*	May 14, 2018**	For Informational Purposes Only (1485749)
Item 66*	May 24, 2018**	For Informational Purposes Only

Item 67*	June 15, 2018**	(1508261) For Informational Purposes Only
Item 68*	July 18, 2018**	(1514593) For Informational Purposes Only
Item 69*	August 17, 2018**	(1520649) For Informational Purposes Only
Item 70*	September 17, 2018**	(1527817) For Informational Purposes Only
Item 71*	October 15, 2018**	(1534174) For Informational Purposes Only
Item 72*	November 19, 2018**	(1542008) For Informational Purposes Only
Item 73*	December 19, 2018**	(1545779) For Informational Purposes Only
Item 74*	January 10, 2019**	(1538195) For Informational Purposes Only
Item 75*	January 17, 2019**	(1561341) For Informational Purposes Only
Item 76*	February 15, 2019**	(1548874) For Informational Purposes Only
Item 77*	March 15, 2019**	(1561340) For Informational Purposes Only
Item 78*	April 18, 2019**	(1572377) For Informational Purposes Only
Item 79*	May 17, 2019**	(1584366) For Informational Purposes Only
Item 80*	June 12, 2019**	(1557141) For Informational Purposes Only
Item 81	June 20, 2019**	(1584367) For Informational Purposes Only
Item 82	July 19, 2019**	(1593717) For Informational Purposes Only
Item 83	August 07, 2019**	(1580584) For Informational Purposes Only
Item 84*	August 16, 2019**	(1600045) For Informational Purposes Only
Item 85*	September 12, 2019	(1606946) For Informational Purposes Only
Item 86	September 16, 2019	(1592125) For Informational Purposes Only
Item 87	November 27, 2019	(1605800) For Informational Purposes Only

* No violations documented during this investigation

**Investigation applicable for the Compliance History Rating period between 09/01/2014 and 08/31/2019.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
CITY OF FORT WORTH
RN100942259**

§
§
§
§
§

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2019-1720-MWD-E

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding the City of Fort Worth (the "Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent presented this Order to the Commission.

The Respondent understands that it has certain procedural rights at certain points in the enforcement process, including the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Order, the Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated agreement of the parties. The provisions of this Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Order are binding upon the Respondent.

The Commission makes the following Findings of Fact and Conclusions of Law:

I. FINDINGS OF FACT

1. The Respondent owns and operates a wastewater treatment facility located at 4500 Wilma Lane in Fort Worth with an associated wastewater collection system in Tarrant County, Texas (the "Facility"). The Facility is near or adjacent to water in the state as defined in TEX. WATER CODE § 26.001(5).
2. During an investigation conducted on October 4, 2019, an investigator documented that approximately 3,500 gallons of untreated wastewater discharged from a broken sewer main located near 4408 French Lake Drive, in Fort Worth, into an unnamed tributary feeding French Lake, resulting in a fish kill of approximately 755 fish.
3. The Executive Director recognizes that by October 7, 2019, the Respondent removed and properly disposed of debris and dead fish, implemented bypass pumping to remove contaminated water, and aerated the contaminated site to introduce oxygen and de-chlorinated water.

II. CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact No. 1, the Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE ch. 26 and the rules of the TCEQ.
2. As evidenced by Finding of Fact No. 2, the Respondent failed to prevent the unauthorized discharge of wastewater into or adjacent to any water in the state, in violation of TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1) and (5), and Texas Pollutant Discharge Elimination System Permit No. WQ0010494013, Permit Conditions No. 2.g.
3. Pursuant to TEX. WATER CODE § 7.051, the TCEQ has the authority to assess an administrative penalty against the Respondent for violations of state statutes within the TCEQ's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.
4. An administrative penalty in the amount of \$13,125 is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. The Respondent paid the \$13,125 penalty.

III. ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. The Respondent is assessed a penalty as set forth in Conclusion of Law No. 4 for violations of state statutes and rules of the TCEQ. The payment of this penalty and the Respondent's compliance with all the requirements set forth in this Order resolve only the matters set forth by this Order in this action. The Commission shall not be constrained in any manner from requiring corrective actions or penalties for violations that are not raised here. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: City of Fort Worth, Docket No. 2019-1720-MWD-E" to:

Financial Administration Division, Revenue Operations Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. All relief not expressly granted in this Order is denied.
3. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Facility operations referenced in this Order.
4. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and

substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.

5. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms in this Order.
6. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
7. This Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
8. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms: electronic transmission, owner, person, writing, and written, shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
9. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date



5/28/2020

For the Executive Director

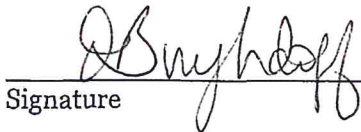
Date

I, the undersigned, have read and understand the attached Order. I am authorized to agree to the attached Order, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this Order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.



Signature

2/12/2020

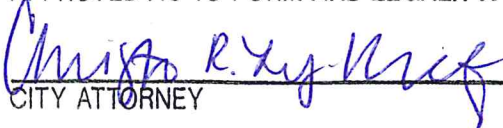
Date

Dana Burghdoff
Name (Printed or typed)
Authorized Representative of
City of Fort Worth

Interim Assistant City Manager
Title

☐ If mailing address has changed, please check this box and provide the new address below:

APPROVED AS TO FORM AND LEGALITY:


CITY ATTORNEY